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Clause 3.

* The hon. the PRESIDENT :—"The question is that clause 3 stand part of the Bill."

Clause 3 was put to the House and adopted and it was allowed to stand part of the Bill.

Schedule.

* The hon. the PRESIDENT :—"The question is that the schedule stand part of the Bill."

The schedule was put to the House and adopted.

Preamble.

* The hon. the PRESIDENT :—"The question is that the preamble stand part of the Bill."

The preamble was put to the House and adopted.

* The hon. Mr. T. E. MOIR :—"Mr. President, Sir, I move that the Bill be passed into law."

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—"I second it."

* The hon. the PRESIDENT :—"The Bill has been amended by the Council. Does any hon. Member object to the passing of the Bill into law at this sitting?" 3-30
p.m.

Since there is no objection, the question is that the amended Bill be passed into law.

The motion was put to the House and carried and the Bill was passed into law.

XI

A BILL FURTHER TO AMEND THE MADRAS CHILDREN ACT, 1920.

* The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—"Sir, I beg to introduce a Bill^a further to amend the Madras Children Act, 1920, and move that it be read in Council. The object of this Bill is to remedy certain administrative defects existing at present. A child detained in a junior certified school cannot be transferred at present to a senior certified school unless he exercises an evil influence upon other children or he is guilty of a serious breach of the rules of the school. There are several instances where we want that a child detained in a junior certified school should be transferred to a senior certified school where some special handicraft is taught. Sometimes we find that there is overcrowding in a junior certified school and we want to relieve the overcrowding by sending some of the children detained there to a senior certified school. In some instances we find that children above the age of 14 should be transferred to a senior certified school on account of the fact that the other children are very much under 14 years of age. There are also instances where we should like to transfer youthful offenders above the age of 16 from a senior certified school to a Borstal school. We find that there is no provision for these cases in the existing Children Act. To remedy such defects this Bill is being introduced."

^a Published in the *Fort St. George Gazette*, dated 17th January 1928.

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The hon. Mr. T. E. MOIR :—" Sir, I second the motion."

* The hon. the PRESIDENT :—" The question is that the Bill further to amend the Madras Children Act, 1920, be read in Council."

* Mr. J. A. SALDANHA :—" Sir, while I generally accept the principle of the Bill I may point out to hon. Members of this Council some defects in the wording and the want of sufficient guarantee against the transfer of youthful offenders as defined in the Children Act to a Borstal school . . ."

* The hon. the PRESIDENT :—" At this stage the hon. Member will be in order if he opposes the Bill on any question of general principle. If he wants to go into the details of the Bill he will have ample opportunity to do so by moving at a later stage that the Bill be referred to a Select Committee or by moving amendments at the stage of the consideration of the Bill clause by clause. If he now proposes to deal with the details as to the words used in the definition of words in the Bill, I think he will not be in order. If the hon. Member has any objection to the general principles of the Bill, this is the stage to enunciate his principle and oppose the principle of the Bill."

* Mr. J. A. SALDANHA :—" I oppose the last clause. There are two points involved. I oppose the second point of the Bill. The first point is the transfer of children from one school to another under the Children Act. The other point is the transfer of youthful offenders to the Borstal school without any restrictions or conditions. I would omit the last clause entirely or subject it to some restrictions or conditions which might be provided by the Select Committee. The underlying principle of the Borstal Schools Act is not exactly the same as that of the Children Act. There is some difference in the scope and objects of the two Acts. Otherwise the provisions of the Borstal Schools Act may have been included among those of the Children Act. The method of dealing with persons in each case is somewhat different. On that account I would object to the transfer of a youthful offender under the Children Act to a Borstal school where the discipline and the life of the school are different."

" Another thing we have to guard against is the extension of the period of imprisonment. During the discussion of the Borstal Schools Bill we on this side of the House pointed out the dangers of the authorities having enormous powers of keeping young men for a longer period than could ever have been dreamt of by imprisoning them in Borstal schools in the name of a school. To be in a Borstal school is practically the same as imprisonment. By transferring a youthful offender already kept in a Children's school to a Borstal school his period of school is extended for another two years. That would be the result of this Bill if passed into law. I think that here is a clever device to catch hold of some persons who are not agreeable to the Government and it is very easy to send youthful offenders kept in the Children's school to a Borstal school and keep them there for another period of two years, if not for a longer period. We must take proper care with regard to the passing of such Bills into law. On a previous occasion I found that a Bill was not so simple as it appeared to be even though it contained only one or two clauses. When I read the Bill carefully I found that there was a sting behind the Bill. I would not therefore pass this Bill off-hand without referring it to a Select Committee. In any case I object to the principle of the last clause of the

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[Mr. J. A. Saldanha]

Bill that youthful offenders should be transferred to a Borstal school. I object to the principle of this clause and I would omit it entirely or place it under certain restrictions and conditions so that the Inspector-General of Prisons would not have indefinite power to do what he pleases. There would be absolutely no control by anybody against this act which may be very arbitrary or very undesirable. I object therefore to the provisions regarding the transfer of youthful offenders from a senior certified school to a Borstal school, as the provision stands."

* The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—"As I intend to move that the Bill be referred to a Select Committee, the remarks made will be considered by it."

* The hon. the PRESIDENT :—"The question is that the Bill further to amend the Madras Children Act, 1920, be read in Council."

The motion was put to the House and adopted.

The Secretary read the title of the Bill.

* The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—"I move, Sir, that this Bill be referred to a Select Committee consisting of the Advocate-General, Diwan Bahadur M. Krishnan Nayar, Mr. S. Arpudawami Udayar, Mr. J. A. Saldanha and myself."

* The hon. Mr. T. E. Moir :—"I second the motion."

* The hon. the PRESIDENT :—"The question is that the Bill be referred to the Select Committee of the hon. Members mentioned above."

The motion was put to the House and adopted.

* The hon. the PRESIDENT :—"I appoint Diwan Bahadur M. Krishnan Nayar as the Chairman of the Committee."

XII

A BILL TO AMEND THE MADRAS VILLAGE POLICE REGULATION, 1816.

* The hon. Sir C. P. RAMASWAMI AYYAR :—"Mr. President, Sir, I beg to introduce the Bill^a to amend the Madras Village Police Regulation, 1816, and move that it be read in Council. The object of the Bill is apparent from the statement of objects and reasons. On account of the decision of the hon. Sir Abdul Rahim, there was difficulty found in cases where there was no village choultry. These relate to very petty offences for which, as may be noticed under the old Regulation of 1816, there might be confinement not exceeding 12 hours. It is much better that that difficulty should be removed, especially as the policy of the Government is to constitute panchayat courts under Act I of 1889. There may be difficulties in specific localities. In order to remove such difficulties, this step is taken."

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—"Sir, I beg to second the motion."

* The hon. the PRESIDENT :—"The question is that the Bill to amend the Madras Village Police Regulation, 1816, be read in Council."

^a Published in the Fort St. George Gazette, dated 1st February 1927.